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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**CRM-M-35767 of 2016**

**Date of decision: October 05, 2016**

Siddharth Vashisht

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Mr. Navdeep Chhabra, Advocate  
for the petitioner.

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**A.B. CHAUDHARI, J (Oral)**

Notice of motion.

At the asking of the Court, Ms. Rajni Gupta, Addl. AG  
Punjab accepts notice on behalf of the State.

Rule returnable. Heard forthwith learned counsel for the  
rival parties.

Learned counsel for the petitioner, by the present petition,  
fairly states that the application for grant of anticipatory bail to the  
petitioner was indeed not maintainable, but then having filed the  
application, learned Sessions Judge ought not to have made  
observations in Para-8 of the impugned order having been made aware  
that the offences under Sections 63, 65, 68 of Copy Right Act, 1957  
were bailable.

Though, this is an application under Section 438 of Code  
of Criminal Procedure, 1973, which obviously is not maintainable but

since the offences are bailable, in exercise of power under Section 482 Cr. P.C., the impugned order and observations made by the learned Sessions Judge are required to be removed as they were wholly unnecessary and likely to act adverse to the interest of the petitioner who has right to get bail as the offences are bailable.

In that view of the matter, observations made in Para 8 of the impugned order dated dated 15.09.2016 are removed and it is clarified that offences being bailable, the rights of the petitioner to get bail in bailable offences cannot be made nugatory.

Disposed of, accordingly.

**(A.B. CHAUDHARI)**  
**JUDGE**

**October 05, 2016**

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No